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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 09/936,868             | 09/16/2003  | Lauri Huotari        | PAT131USA           | 5561             |
| 24339                  | 7590        | 03/25/2005           |                     | EXAMINER         |
| JOEL D. SKINNER, JR.   |             |                      |                     | BLAKE, CAROLYN T |
| SKINNER AND ASSOCIATES |             |                      |                     |                  |
| 212 COMMERCIAL ST.     |             |                      | ART UNIT            | PAPER NUMBER     |
| HUDSON, WI 54016       |             |                      | 3724                |                  |

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SN

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/936,868             | HUOTARI ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Carolyn T Blake        | 3724                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) 1,2 and 5-11 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____.                                    |

## 1. DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following:

- Page 4, line 10: "scoring blade 32" should be changed to - -scoring blade 34- - in order to agree with the drawings.
- Page 4, line 28: "show a adapted embodiment" should be changed to - - show an adapted embodiment- -.

Appropriate corrections are required.

### ***Claim Objections***

2. Claim 1 is objected to because of the following:

- Lines 2-3: The phrase "the material" lacks proper antecedent.

Appropriate correction is required.

3. Claim 2 is objected to because of the following:

- Line 2: The phrase "the mutual movement" lacks proper antecedent.

Appropriate correction is required.

4. Claim 5 is objected to because of the following:

- Line 1: The phrase "the work stage" lacks proper antecedent.

Appropriate correction is required.

5. Claim 6 is objected to because of the following:

- Lines 1-2: The phrase "the work stages" lacks proper antecedent.
- Lines 2-3: The phrase "the next stages" lacks proper antecedent.

Appropriate corrections are required.

6. Claim 7 is objected to because of the following:

- Line 4: The phrase "the desired operation" lacks proper antecedent.

Appropriate correction is required.

7. Claim 8 is objected to because of the following:

- Line 1: "lectromagnet" should be changed to - -electromagnet- -.
- Line 2: "p rmanently" should be changed to - -permanently- -.
- Line 3: The phrase "the magnet" lacks proper antecedent. Change to - - the electromagnet- -.

Appropriate corrections are required.

8. Claim 9 is objected to for the use of the term "it" in line 1. The article intended for the term "it" should be expressly specified. For example, the term "it" should be replaced by - -the device- -.

9. Claims 10 and 11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "or similar" (lines 1 and 2) renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"); thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 recites the limitation "the tool" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Applicant appears to claim alternative tools because the method can be scoring, punching, perforation, opening, cutting, etc. Applicant is suggested to use the phrase -- a cutting operation- - for clarity.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Aske (2,246,719).

Regarding claim 1, Aske discloses a method for working paper, board, or similar, in which method punching is carried out on a material referred to in the method, in which operation electromagnetic forces are used, characterized in that the aforesaid operation is carried out by creating, with the aid of an electric motor effect, at least one rapid, back and forwards movement in a tool (34) and/or its counter-piece (28).

Regarding claim 2, Aske discloses the punching is carried out by applying the effect of a mutual movement between an electromagnet (63) and a counter-piece (28).

Regarding claim 3, Aske discloses the force created by an electromagnet (63) and carrying out the above operation is transmitted to the object of the work by means of joints and/or lever arms.

Regarding claim 4, Aske discloses an electromagnet (63) is used to create a linear motion.

Regarding claim 5, Aske discloses a work stage is carried out as an operation twice or more in rapid sequence.

Regarding claim 6, Aske discloses energy is charged into batteries (81) for use in the next stages.

Regarding claim 7, Aske discloses a device for working, such as scoring, punching, perforating, creating openings, cutting, or similar, paper, board, or similar, comprising a component (63) operating on an electromagnetic principle, characterized in that it includes a means (34) for performing the desired operation, a counter-piece (28) to the means (34), and a device for conducting electricity to the component (63) to bring it and the counter-piece (28) towards each other with a rapid, striking movement, to perform the aforesaid operation.

Regarding claim 8, Aske discloses the electromagnet (63) is permanently attached to a frame and counter-piece (28) moves towards and away from the magnet (63).

Regarding claim 9, Aske discloses the device comprises a blade (34), which can be changed to suit different purposes.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brazell et al (6,367,362) discloses a method and device for punching including an electromagnet (418).
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CB

March 14, 2005

*AS*  
Allan N. Shoap  
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Group 3700